

CHAPTER V

"NOW WE CAN GO FORWARD"

The state of the Houston Police Department was summed up by Mayor Holcombe in a message to the city council in January 1947: "The police department is woefully inefficient. It is honeycombed with feuds and factionalism. It is without discipline and it is badly undermanned.... The police department is worse than a South American Army."¹ Holcombe's harsh indictment, while politically motivated for the purpose of discrediting the previous administration for its operation of the police force, was an accurate description of the conditions that led to the police reform movement.

The problem confronting the police of Houston was not unique. Professional growth suffered wherever police administration fell under political control. The plight of the police was as much a consequence of Mayor Holcombe's three previous terms in office as of any other factor. In the unstable environment resulting from a virtually institutionalized spoils system, the ineffectiveness and low morale of the police department became increasingly evident as additional demands were made on police services during the post-World War II years. Social dislocations and the accompanying rise in crime clearly revealed the inadequacies of the city's police service.

The most noteworthy characteristic of the Houston experience was that when reform occurred it came from within the police department, among career officers, especially the rank-and-file members. Reform was imposed neither from an external source nor from the higher echelon of the police department. No commissioner of extraordinary dynamism was appointed, as in the classic instance of Theodore Roosevelt's reform-minded police administration in New York City or in the more recent case of O.W. Wilson's appointment as Superintendent of the Chicago Police Department. No Houston citizens' police committee organized to recommend a reform program. Rather, the police themselves instituted reform in spite of efforts by the city administration to discourage it. The struggle was bitter. No single individual dominated the police reform movement in Houston; leadership expressed itself through the Houston Police Officers Association (HPOA).

State-chartered in 1945, the Association became a model for similar associations by other police departments in Texas. What began in Houston as a local effort, comprising less than two hundred police officers, became

by 1947 a statewide campaign involving seven municipal police departments. In addition to cooperating with their colleagues in other cities, the Houston Association initiated an alliance with the Texas State Association of Fire Fighters. The alliance was vitally important when measured by immediate reform goals, and it established a precedent for cooperation between police and firemen that persists today. Their combined efforts were rewarded in 1947 with the passage by the Texas Legislature of a state civil service law that became the keystone for police reform and for the growth of a professional urban police service.

The first collective effort at reform was made in 1945 with the formation of the HPOA. The Association was initially organized to combat the low morale among police officers and to counteract the unfavorable public image of the department. Accusations of police brutality had done much to discredit the department. Lack of training, the practice of employing political hirelings, and promoting unqualified men to ranking positions did much to undermine department discipline. In the black community, relations with the police, which had always been strained, deteriorated further during the war years. Alleged acts of brutality by police officers were a common cause of complaint by blacks. Altercations between police officers and blacks became more frequent as enforcement of the Jim Crow laws on city buses heightened tensions. Because of the war emergency, buses were overcrowded and adherence to the segregation laws became more difficult, with disputes between bus drivers and black passengers occurring regularly.²

Charges of police brutality had a similar effect on the white community. A rash of incidents in late 1945 was particularly detrimental to police public relations. In September, for example, an incident involving the arrest of a woman focused unfavorable publicity on the department. The woman, a mother of two children, charged that she was physically abused and that the arresting officer forced her to leave her children at her home unattended. Charges of aggravated assault were filed against the officer, who was then suspended from the force, and an indictment was returned by the grand jury. At the trial, the jury returned a not guilty verdict. But the stigma of the incident remained.³

An even more damaging incident occurred in November 1945, when a newspaper reporter from the *Post* charged that he was beaten and choked by four officers in the city jail after being arrested for a traffic violation. An investigation was launched by Chief of Police Percy Heard, while a grand jury looked into the charges against the four men. Neither the police nor the grand jury investigations, however, found any wrongdoing by the officers.⁴ The effect of these and other widely reported incidents was to alienate the department from the public. Officers complained that their families were suffering ostracism from their neighbors as a result of the in-

cidents.⁵ Morale within the department ebbed.

Despairing of assistance from the municipal authorities in improving conditions, a group of officers, headed by Lieutenants Fred Cochran and George Seber, Sergeant Curtis Aaron, and ten others, decided to form an organization to represent the needs and views of officers wishing to improve the department.⁶ The organizers received no encouragement from Chief of Police Heard, who, though sympathetic, thought anyone connected with the project risked dismissal by the administration. As a precaution, the proposal was presented to City Manager J.M. Nagle, who found that the project offered no threat to the administration.⁷ The objectives of the Association as outlined by its organizers were indeed modest. No one, even those who sponsored the Association, could foresee the course the new organization would take within the next two years.

The stated objective of the HPOA, as detailed in a circular distributed to all members of the department, was to present "a united front in combatting unfair actions against the individuals or the department as a whole" and to present "to the public... the true actions, aims and purposes of the Houston Police Department." An initiation fee of \$4.00 and annual dues of \$4.00 were set to defray the expense of social activities, advertisements, and attorney's fees when required. Following the initial planning, and the assurance by over two hundred of the department's rank-and-file members that they would join the Association, a charter committee was organized to secure a state charter. The request for a charter was approved in December 1945, and shortly afterward Detective Frank L. Murray was elected first president. According to the charter, the purpose of the organization was to advance "any benevolent, charitable, educational or missionary undertaking, more particularly to promote and develop a friendly and fraternal spirit among all the employees of the police department. And to advance their mutual interest and to expand both moral and material aid to its members; to encourage athletics and social activities, and to generally increase the efficiency of individual members of the department as public servants."⁸ The language of the charter gave no indication of the reform program that the HPOA would eventually follow or of the political means that would be used to achieve its objectives.

Several factors determined the direction of the HPOA's thrust. Ironically, the seeds of reform were first planted in 1939 by Mayor Holcombe's action in consenting to establishment of a police academy. Interest in an academy had been stirred in 1937, when newly elected Mayor R.H. Fonville invited the New York police commissioner to recommend changes to improve the efficiency of the Houston police department. A result of the New Yorker's survey was the appointment of Detective L.D. Morrison to study at the New York City Police Academy. In 1939 Morrison, then a captain, presented a plan to establish a similar training

school in Houston. The idea was accepted by Holcombe, who, during the interval, had been elected to his third term as mayor. Morrison was appointed training director.⁹ Accompanied by much publicity, sixty recruits were selected from among several hundred applicants through the first series of competitive examinations administered in the department.¹⁰ The initial reaction of the public was favorable, but the outbreak of the Second World War overshadowed local concerns. After graduating its first class, the academy was abolished and was not reinstated until 1948. Moreover, the political environment was not conducive to the establishment of a permanent academy, for patronage in the department and the uncertainty of tenure made impractical the time and expenditures required for continuation of the six-week training course.

Although the academy was short-lived, the training did impart to its graduates an aura of expertise that distinguished them from the other members of the department. Since training had ordinarily consisted only of street experience, the graduates, despite the brevity of their formal training, were distinguishable from their colleagues. Once on the force, however, the novice soon found that the idealism of professional police service as expounded in the classroom did not conform to the realities of the service. For some men the discrepancy between idealism and reality provided the initiative to encourage change. It is significant that the first vice-president of the HPOA, who acted as its legislative agent and who later led the HPOA campaign in the state legislature for police reform, was a graduate of the academy.

Another factor encouraging change was the impact of the Second World War veterans on the department. By 1945 an increasing number of recruits were military veterans, who looked upon police service as a career rather than as a temporary occupation. Generally better educated than the average police recruit of earlier years, and imbued with a determination to improve their situation, they sought more job security and status than their predecessors. Veterans, for example, formed the majority of police officers who in September 1945 enrolled in the newly established police science course at the University of Houston.¹¹ Police service was gaining career respectability in urban areas throughout the United States. Not all members of the HPOA, however, shared the common interest in professional recognition. Some members were concerned only with increased salaries, retirement benefits, and improved public image, and had no thought of institutional change.¹² Even those men who were interested in achieving significant reform had no specific program to propose until 1946. Then, by accident, the reform goal was defined. In that year leadership in the HPOA fell to officers whose ambitions extended beyond monetary rewards and focused on freeing the department from the corrupting and demoralizing effects of the spoils system.

To what extent the movement for change was influenced by similar activity in police departments elsewhere in the nation is uncertain. No consensus on this matter exists among Houston police officers involved in organizing the HPOA. Publications such as the *American City*, the *Municipal Review*, the *Journal of Criminal Law, Criminology and Police Science*, the *International Association of Chiefs of Police Bulletin*, and local literature in other cities, particularly in California, existed thirty years ago. Information describing the developing professionalization of law enforcement agencies in other areas of the country was widely disseminated and could have influenced developments in Houston. Moreover, there was a long history of police associations in the United States. The earliest, the New York City Patrolmen's Benevolent Association, had been founded in 1892. In subsequent years, similar associations were founded in Buffalo, Milwaukee, Pittsburgh, and other eastern cities, primarily to create greater fraternalism among police officers and to provide death benefits, health insurance, and similar aids. In 1923 the Los Angeles Fire and Police Protective League was founded, and it placed the Los Angeles Police Department in the vanguard of progressive police development. The League made slow but steady progress in achieving job tenure during the 1930s, and beginning in the early 1940s initiated a campaign to educate the public and legislators to the need for well-qualified and well-paid personnel.¹³

Yet, according to one leader in the Houston reform movement, organizers of the HPOA were unaware of the activities in other departments. According to this view the Association was formed as a response to specific problems confronting police administration in Houston.¹⁴ Another member of the Association believed that military service during the war had brought men with law enforcement backgrounds together and had allowed for an exchange of ideas.¹⁵ Although the source for the idea of the HPOA remains uncertain, several factors surrounding its organization are apparent. The HPOA was founded at a time when other urban police departments were attempting to gain improved status or working conditions either through union affiliation or professional organizations. It seems unlikely that members of the Houston department could have remained oblivious to these movements, especially unionization, even if personal communication with other departments was not routine. The immediate inspiration for forming the HPOA, however, was probably received from the Houston Fire Department, which boasted a chapter of the Texas State Association of Fire Fighters and had, in cooperation with chapters throughout Texas, engaged in a struggle to improve the status of firemen. In 1936 the TSAFF scored a major success: the legislature enacted the first state retirement system for municipal firemen. This success marked the TSAFF as a significant pressure group, demonstrated the potential of collective action to reform-minded police officers, and provided the im-

petus, if not the precise model, for police organization.

The opportunity for cooperation between Houston police officers and firemen arose in June 1946. At that time the HPOA joined with the Houston chapter of the TSAFF to wring a municipal pay raise from the city council. The campaign began in April, when attorneys Arthur Mandel and Edwin De Coux, representing the associated firemen and policemen, petitioned the city council for a salary increase of \$40 a month per employee. The proposed increase, which would have pushed the salaries of rank-and-file members of both departments from \$180 to \$220 a month, was rejected by the city council. A counterproposal for a \$10-a-month boost was offered by City Manager Nagle, but it was in turn rejected by police and firemen. The 1920 referendum controversy was recalled when firemen spearheaded an effort to call a special election to decide the matter. This time the necessary signatures were obtained. Encouraged by the action of police and firemen, members of the City-County Employees Union joined in the demand for a \$40-a-month increase for all 3600 city employees.¹⁶ As a consequence, the ballot consisted of three separate propositions to include policemen, firemen, and all other city employees. Despite threats by the city administration of lay-offs and a curtailment in public services, voters approved the three propositions in the June 22 special election by a seven-to-one margin. A proviso in the referendum also assured police and firemen that their salaries could not be reduced without prior approval of the voters.¹⁷

The success of the 1946 campaign gave valuable experience to the leadership of the HPOA and enticed new members into its ranks. More significant than the winning of a salary increase was its impact on the future direction of the HPOA's program. Firemen had much in common with the police, since the former were equally vulnerable to political favoritism and suffered from the same lack of professional recognition. Concluding that the only means of securing job security and professional growth was to place themselves under a state civil service law, the TSAFF had since 1940 pressed for such a law in the state legislature.¹⁸ By 1945 firemen in twenty-nine states had achieved state civil service protection,¹⁹ but the bill met with strong opposition in the Texas Legislature, which on three occasions rejected bills sponsored by the TSAFF.

A fourth bill was in preparation for introduction in the Legislature when the HPOA decided to adopt state civil service as the main objective of its reform program. Officials in the TSAFF recognized that an alliance with the HPOA would gain added support among conservative legislators.²⁰ As a consequence, firemen attending the 1946 annual convention of the TSAFF voted to add the word "Policeman" to the proposed state civil service law.²¹ At the 1947 convention, President George Tipton of the TSAFF welcomed representatives from the HPOA as "brothers" in a common

cause and noted the cooperation received from the HPOA.

You know it has been a great pleasure to work with the Houston Police Department. It has been a great inspiration to . . . firemen. We recognize that we are all brothers in the same cause and that we are dependent upon each other. I invited quite a few police departments to send representatives over here to meet with us this time. I would like to get to know them better. Mr. Christian of the Houston Police Department and two other brothers there, I met on numerous occasions. They were present at most of our meetings that we had in Austin concerning our Legislative problems. We recognize the fact that there isn't anything we do as a body here that doesn't affect the[m]. . . . By leading the way, we encouraged the police to get . . . up; and we will assist you. I know the policemen and firemen are here ready to look after your interest, like they are with us.²²

The resulting partnership became a lasting alliance, with representatives from the two organizations meeting before each legislative session to coordinate their efforts in deciding procedures and contacting key legislators.²³ The additional pressure placed on wavering legislators by police lobbyists together with the experience and organization of Texas firemen proved a formidable coalition.

Once the objective of the police reform movement became known, the HPOA found itself in direct conflict with city authorities. Since the founding of the HPOA an important change had taken place in Houston municipal government. The council-manager form of city government, established in 1942, was replaced in July 1947 by a strong mayor-council form of government.²⁴ Holcombe was elected to serve his fourth term as mayor. He assumed office determined to realize the political potential afforded by the strong mayor government. The enactment of a state civil service law for police and firemen seemed to threaten the municipal and political control of both departments. Consequently, the Holcombe administration vigorously opposed passage of the law.

The administration did not officially reprimand members of the HPOA; and since the HPOA was a state-chartered corporation, Holcombe could not force it to disband. Instead, he exerted indirect pressure through the civil service commission and the police department hierarchy. The commission, for example, supported unjustified disciplinary actions against the advocates of reform, which in some cases meant the denial of promotions or, less seriously, the transfer of veteran officers to less desirable patrol locations. In addition, the department was careful not to employ any applicant who appeared disposed to join the movement. Publicity protected the leadership from the threat of dismissal, however.²⁵

Since most ranking officers owed their positions to political appointments, they found the continuation of the *status quo* to their advantage and refrained from actively participating in the reform movement. Those ranking officers who opposed the HPOA resorted to tactics such as the circula-

tion of rumors that officers belonging to HPOA would be dismissed, or labeling as radicals members who intended to force concessions from the city through strikes. Some critics of the reform movement were sincere in their fear of radicalism, but as later developments revealed, their fears were generally concerned with the possibility of losing political patronage. Members also were hindered from attending the association meetings by re-assignment of work schedules.²⁶ To counteract these tactics, HPOA meetings were held at two different times to accommodate men on the different shifts. Some meetings involving policy decisions were held clandestinely in order to keep the plans of the HPOA secret. To avoid possible retaliation, some officers who paid their dues requested that their names not be placed on the membership list.²⁷ The attempts to discourage membership failed, and within a year a majority of the department's rank-and-file as well as a few ranking officers openly professed membership in the organization.

The success of the HPOA in organizing support was not limited to the Houston department. As news of the reform movement became known, interest was aroused among other police departments. They requested that representatives from the HPOA be sent out to explain its program and objectives. In other instances the HPOA took the initiative and sent out speakers to convert the departments in neighboring towns. The first additional cities to form associations were Abilene, Austin, Fort Worth, San Antonio, Sweetwater, and Waco.²⁸

Not all cities welcomed the formation of associations in their police departments or the enactment of a state-controlled civil service. Officials in some towns looked upon representatives of the HPOA as dangerous radicals and troublemakers, and their appearance in towns sometimes provoked hostile receptions. In Midland, Texas, for example, the police chief threatened to "turn the dogs loose" on the visiting HPOA representatives if they did not leave town at once. The response was milder in Dallas, where the chief of police simply ordered the doors of the police building locked when he learned that Dallas policemen planned to use the assembly room to meet with representatives from the HPOA.²⁹

The proselytizing efforts of the HPOA also brought the fledgling organization into conflict with the Texas Police Association (TPA), which, before the formation of the HPOA, was the only agency representing the interests of police service in Texas. Membership in the Texas Police Association was open to all police officers, but the expense involved in financing and travelling to meetings generally excluded the rank-and-file members from active participation. As a result, leadership fell to police chiefs, who were appointed by city officials and reflected the interests of the municipalities. The TPA split with the HPOA came into the open when the TPA officials boycotted a scheduled meeting with Houston officers in Dallas to discuss the proposed civil service legislation. In protest, Houston

rank-and-file members returned their TPA membership cards. This mass resignation prepared the way for the formation of a statewide organization in 1950 to represent the interests of the ordinary policeman.³⁰

The break with the TPA marked the entry of the HPOA into an arrangement of new alliances. Once the HPOA joined the TSAFF in the campaign for state civil service, police reformers found allies among such liberal, reform-minded state legislators as Representatives Carleton Moore of Houston, Obie Jones of Austin, and J. B. Salles of Crockett, and Senator Kayle Viek of Waco, the Senate sponsor of the bill. The TSAFF prepared the groundwork for the alliance through years of cultivating political support for their legislative programs and establishing rapport with legislators. TSAFF lobbyists were aided by their state and national union affiliations and could depend on organized political pressure to assist them.³¹ It was this support which the police reformers gained when they became allied with the TSAFF in the campaign for a state civil service law; it was this support they depended upon in the years after 1947 to promote the professional status of police service through improved career benefits and state standards for law enforcement officers. Police reformers found that in these areas their hope for success resided with the reform-minded legislators. In matters of strict law enforcement legislation, however, they still sought the support of conservatives.³² The struggle for the passage of the state civil service law, heated and at times emotional, clearly placed the police at odds with those political interests with which they traditionally shared sympathies.

The legislative debates centered on the issues of unionization, home rule, and political patronage. Apprehension among legislators that state civil service would allow unionization of police and firemen and the right to strike proved the most serious obstacle for the proponents of the bill to overcome. Throughout 1946 and 1947 fear of radicalism, generally considered synonymous with labor unions, occupied much of the time of the legislature. A series of national and local strikes and labor problems intensified these fears. In February 1946 these fears seemed realized, when Houston city officials were confronted with the demand of 2600 employees for a twenty-five per cent salary increase. The city's rejection of the demand precipitated a strike by 650 city workers, who found support from 20,000 members of the A.F.L. construction craftsmen, 5000 of whom turned out for a march on City Hall. Only after the city workers joined with police and firemen in the initiative referendum of June did city officials accede to the call for higher salaries.³³ A similar situation existed in Dallas, where C.I.O. representatives and the city administration clashed over the issues of inadequate salaries and the latter's ordinance against a city employees' union.³⁴ Simultaneously, the C.I.O. launched a campaign to organize the entire state. The legislature in response to the increasing aggressiveness of labor

organizations and municipal employees enacted eight restrictive labor bills in 1947 during the fiftieth legislative session.³⁵

The concern over unionization and strikes by public employees extended to the debate over the state civil service bill. Opponents of the bill accused its supporters of encouraging unionization of city employees and, as evidence, pointed to a section in the act which allowed firemen and policemen to become members of any organization not prohibited by the United States Constitution. An amendment striking out the offensive section was offered by Representative J. K. Aynsworth of Waco and won approval in the House committee. As an added precaution an amendment prohibiting municipal officials from bargaining collectively with firemen and policemen was introduced by Representative Marshall Bell of San Antonio. The amendment also forbade governmental officers to recognize public employee labor unions and provided that striking employees be denied all civil service benefits. Following a sharp debate in the House, the amendment was approved by the narrowest of margins, 9 to 8.³⁶ Shortly after its acceptance, however, the Bell amendment was superseded by a law enacted in April by the Legislature, which prohibited public employees from collective bargaining or striking.³⁷ Unlike the amendment, the state law applied to all public employees, not merely to police and firemen. Neither the amendment nor the act was an obstacle to police reform, since police officers had consistently rejected strikes and membership in labor organizations. The amendment was directed primarily against the firemen because of their traditional ties with labor organizations.

The clash of interests became most volatile during the public hearings of the Senate and House committees in February 1947 over the question of home rule and political patronage, with Houston spokesmen, both for and against the bill, dominating the debates. Houston councilman James S. Griffith was selected as chairman of the forces opposing the bill. A Houston delegation headed by city attorney George D. Neal, assistant city attorney George Eddy, and councilmen Tom Needham and James S. Bailey presented the case against the bill. Representative Carleton Moore of Houston, sponsor of the bill in the House and a consistent supporter of the interests of police and firemen, was the leading spokesman for the bill.³⁸ T. C. Christian, a director in the HPOA, represented the organization's 420 members at the hearings.³⁹

The municipalities argued that state civil service would infringe on the home rule amendment of the State Constitution by depriving municipal officials of control over local affairs. City attorney Neal, after studying the implications of a state civil service, concluded that the city council and mayor would "lose all control of the . . . police department" and recommended a concerted effort by the city to defeat the measure. Shortly after Neal's recommendation a city council resolution was passed, charging that

the law would, if enacted, "deprive the city of Houston of local self-government and the right of self-determination as to purely local affairs and [was] a further attempt by the State Legislature to concentrate in the State government powers pertaining to local matters which, under our democratic form of government, inherently belong to local governing bodies."⁴⁰ Eddy added that Houston already had a satisfactory civil service system and did not require state legislation. Supporters of the bill were charged with "wanting not job security, but job perpetuation without responsibility."

This view was shared by the League of Texas Municipalities, which also saw the law as a dangerous centralization of power in the hands of Austin legislators. Spokesmen for the League also feared that cities would be burdened with expensive pension systems, minimum salary scales, and other benefits for police and firemen. A similar concern for the loss of home rule was expressed by Houston's leading newspapers. The *Chronicle* discerned, for example, a similarity between the encroachment by the Federal government in state affairs and the infringement of local home rule by the state.⁴¹ Witnesses for the bill from Houston and other municipalities hammered at the abuses that existed under municipal civil service and cited examples of political favoritism to substantiate their claim that political spoilsmanship was at stake and not home rule.⁴² At one point in the debates Moore exhibited a detailed list of names and service records of Houston police officers who had been demoted following the mayoral election of 1946. In three conspicuous cases, Moore pointed out that two inspectors of police had been demoted to lieutenant and a third to office clerk. Moore then charged that the only opponents of state civil service were "those sucking the teat of the public treasury." So emotional was the issue that Moore alleged that he was physically threatened by a Houston city official who became enraged over Moore's support of the bill.⁴³

The verbal exchanges during the committee hearings provided an exciting spectacle for the visitors' gallery, but it was the parliamentary maneuvering behind the scenes that decided the fate of the bill. Passage of the bill remained uncertain despite the cooperative efforts of police and fire association lobbyists. Numerous amendments were added in the House and Senate, and several sections of the original bill were deleted as legislators struggled to produce a compromise law that would, to some extent, satisfy the demands of both sides. The most controversial amendment was the local option proviso, which attempted to appease city officials who claimed the law would jeopardize home rule. The local option requirement made referendum elections mandatory in all the municipalities affected by the law ninety days after its enactment. By this means voters were given the choice of either rejecting or approving the law. Under pressure from municipal authorities, a section was also added that the law, after being in effect for at least five years, could be repealed in a special referendum if the voters de-

cided to reject the measure. Although Moore and his supporters managed to persuade House Committee members to reverse themselves on the local option section, the Senate Committee, by a narrow margin, retained it in their version of the bill and the civil service proponents accepted it rather than risk rejection of the whole bill.⁴⁴

The local option requirement provided the city administration with a last opportunity to prevent enactment of the law. The administration made no public effort to defeat the law. It did, however, exert pressure on individuals in the community who owed favors to the administration to persuade others to oppose the measure.⁴⁵ Police and firemen countered this maneuver by appealing directly to the public, explaining the need for a state civil service system and reminding voters of the effect of political patronage on both departments. In a referendum election held on January 31, 1948, the voters approved the law by nearly a 6,000-vote margin. The civil service provisions of the city charter pertaining to policemen and firemen were repealed, and state civil service regulations became effective.⁴⁶

The law provided the police with two main objectives of the police reform movement—freedom from the demoralizing effects of political patronage and guaranteed access to the courts. Under the new law, police officers dissatisfied with decisions of the Civil Service Commission were assured the right to have appeals tried *de novo* in the District Court. The previous condition that the only grounds for appeal were gross negligence and prejudice on the part of the commission was eliminated. Under the *de novo* proviso police officers were guaranteed trials in which all the details of their cases would be reviewed by the court. In addition, District Court judges could no longer delay appeals as they had done in the past. Cases involving appeals from police officers were ordered to be advanced on the docket of the District Court, taking preference over other cases.⁴⁷

All police officers were included under the law, except the chief of police, who remained an appointee of the mayor. Any officer certified as a bona fide law enforcement officer with at least five years experience was eligible for appointment as chief. Although not included under the state civil service law, the police chief when dismissed could not be reduced below the rank held prior to his appointment as chief.⁴⁸ Later amendments to the law extended to the chief of police the same right of appeal to the civil service commission enjoyed by other officers in the department.⁴⁹

In contrast to the weak and contradictory city civil service system, the state law provided stability. Civil service regulations could no longer be altered by approving an ordinance or resolution. Changes under the state system could be made only by an act of the legislature that would affect all police departments under state civil service. The widespread applicability of the law made unlikely the passage of laws reflecting solely local interests. Local political control of the department through manipulating the civil

service rules was eliminated, even though the members of the civil service commission continued to be appointed by the mayor as they had been under municipal civil service. All commissioners were required to meet the qualifications outlined in the state law, which also provided that the terms of commissioners be staggered or rotated to eliminate the past practice of having the terms of the commissioners coincide with that of the mayor.⁵⁰

Under the state civil service law the commissioners administered both the state civil service law and the municipal civil service rules pertaining to the police department. Procedures for filling positions, assigning promotions, making suspensions, and dismissals were all regulated by state law. Regulations governing the daily operation of the department, such as those setting salaries and work shifts, remained in the hands of the city. Finally, active political participation, except for voting, was strictly prohibited, as was the solicitation of funds or services from police officers by political candidates.⁵¹

With the passage of the state civil service law, the legal status of police officers was at last brought into conformity with the principles of effective civil service. In effect, the law assured policemen, as Carleton Moore pointed out in support of the bill, "that whenever they [public officials] want to demote...or discharge...they have...to put it [their accusation] in writing over their signature and prove it."⁵²

Passage of the bill, however, did not result in the immediate transformation of the police department. Numerous political appointees remained in the classifications they held before the law became effective, since the provisions of the state law were not retroactive. The new regulations on promotions and demotions became effective only after the act was signed.⁵³ Holcombe sought to retain as much influence on the police force as possible by making transfers, creating new positions, and promoting favorites to desirable positions before the establishment of the new system. The promotions were made with the utmost secrecy until the moment the changes were announced. In conference, Chief Payne and Mayor Holcombe agreed upon the promotions, and they submitted the names to Controller Roy Oakes, who certified the availability of funds to cover the increased salaries. The list of names was then submitted to the acting civil service director, Knox D. Womack, who informed members of the commission of the promotions. The action was conducted so secretly that by oversight an announcement of the promotions was not included on the commission's agenda for release to the newspapers at the meeting later that day.⁵⁴

The municipal civil service rules required the commission to announce publicly the names of those persons who had passed the oral examination and had received promotions. Noting the oversight following the close of the meeting, the commission told the newspapers that the page of the

agenda listing the promotions had been missing at the meeting but that copies were now available at the civil service commission office.⁵⁵ Once state civil service became effective, the men promoted were secure in their positions unless suspended or discharged in accordance with the new regulations. This negative aspect of the state civil service system was recognized by advocates of the law and accepted as a temporary drawback. Eventually such men, as they retired from the force, would be replaced by officers promoted through the process of competitive examinations. Reformers believed the department would acquire the trappings of professionalism in approximately twenty years.

The civil service system required time to function in the manner its sponsors intended. Clarification of certain provisions of the law was required before its full implications could be determined. The precise limits of the right to "trial *de novo*" in district court, for example, were not immediately apparent. A series of test cases initiated by policemen, firemen, and cities marked the two decades following enactment of the law. Through litigation the substantive and procedural questions of the right of appeal were answered. In 1953 the civil appeals court ruled in the *Simpson* case that "trial *de novo*" was a trial to decide whether a ruling of the commission was free from illegalities and "reasonably supported by substantial evidence." The scope of the court's review was limited strictly to questions of law, while the only question applicable to the trial court was whether the civil service commission's "decision was reasonably supported by substantial evidence." The latter decision was important in preventing the courts from assuming the function of the commission by insisting that all evidence had to be presented by the appellant at the hearing rather than be withheld and submitted to the court on appeal.⁵⁶

In the 1958 *Kavanagh* case, which involved the demotion of a police detective, the court gave a definitive interpretation to the term "trial *de novo*." The court declared the meaning of the term to be that the appellant was "entitled to introduce evidence so that the court can determine on a basis of the whole record, as made in the trial court, whether there was in existence at the time of the order of the Commission, evidence of a substantial nature reasonably supporting the order, and the court may not substitute its findings for those of the Commission if there is such evidence."⁵⁷ Other decisions dealt with admissible evidence and questions of jurisdiction.⁵⁸ Together the decisions offered proof to skeptical officers that the law was indeed a viable instrument for protecting their rights.

Although in 1948 the precise dimensions of the law were yet to be measured, the right of appeal to district court did guarantee officers immediate relief from arbitrary dismissal or demotion. A severe test of the protection offered by the law occurred in 1950-51, when a gambling scandal engulfed the police department. The scandal was an outgrowth of the long-

standing practice of discriminatory enforcement of the gambling laws. Like the other negative aspects of police service in Houston, the department's involvement in the city's gambling operation was accepted by most officers as a condition of employment. Resentment was keen among some members of the department who thought such conduct demeaning, but the long-standing distrust created by years of factionalism in the department discouraged overt opposition. As one officer later testified "at that time [1949] I didn't know who to trust and who not to trust. The town was wide open; and I figured there was bound to be a pay off."⁵⁹ Those who attempted to expose the department's lax policy toward the enforcement of gambling laws risked reprisals such as those experienced by Roe and McGrew in 1935.⁶⁰ Events in 1950-51 tested whether the enactment of state civil service had altered the situation.

The gambling issue gained notoriety in August 1950, when the owner of a local tavern charged that she made payments to members of the police department to keep her business open after legal hours. A grand jury began a month-long inquiry into irregularities in the police department and eventually extended its inquiry to the mayor's office. As a consequence of the investigation, Night Chief M. M. Simpson and a subordinate officer were dismissed by Chief of Police B. W. Payne, who in turn was forced to resign under pressure.⁶¹ More important, the investigation provided an opportunity for dissidents within the department to vent their frustration. Open rebellion erupted when several officers conducted independent raids against businesses displaying punchboards and other gambling paraphernalia. The revolt intensified when officers stepped forward to testify about police irregularities before the grand jury and later at the civil service commission hearing inquiries into the dismissal of the night chief for his alleged involvement in the irregularities. The fate of these defiant officers constituted a test of the effectiveness of the state civil service law.

The unofficial raids were begun by patrolmen Walter Rankin and Aaron Curtis in company with a Houston photographer. The two policemen made gambling arrests and gathered evidence. Although the arrests were not officially sanctioned, William P. Haley, the inspector of the uniform division, provided encouragement and support for the raids despite criticism from Payne that the raids were in violation of the department rule that only members of the gambling squad were allowed to make gambling arrests. Whenever uniformed or other officers observed gambling activities—which were prevalent throughout the city—they were required to report their findings to the head of the gambling squad.⁶² In response to the criticism, Haley defiantly replied that he was "tired of being criticized by the public for not enforcing all the laws... Now that all of my uniform officers know that I expect them to enforce the law where and whenever they find it being violated, I expect them to do so... If I get a report of a flagrant violation, I

don't see why I should turn it over to anyone. In fact I'm not going to."⁶³

The appointment of L. D. Morrison as chief of police in October 1950, following Payne's resignation, brought an end to the new policy. A series of raids was conducted against known gambling establishments as the department and the Holcombe administration reacted to the pressure generated by the grand jury's investigation and its interest in the possible connection between gambling interests and the administration. During the investigations the administration made no effort to have any of the dissident officers demoted or dismissed, as had been done in the past. Several officers complained, however, that they had received threats of physical harm and suspected that their homes were kept under surveillance by unknown parties.⁶⁴

The final chapter in the scandal began in December, when Night Chief Simpson, acquitted of bribery charges in district court, filed for reinstatement with the civil service commission. The resulting commission hearing drew an increased number of officers willing to testify about the city's gambling operations in spite of embarrassment to the administration and ranking officers. Those testifying found assurance in the fact that no reprisals had been taken against officers participating in the grand jury inquiry. They were further encouraged when the HPOA recommended that Chief Morrison oppose Simpson's reinstatement.⁶⁵ On December 21, the commission, by unanimous vote, upheld the dismissal. The decision was viewed by officers as a victory for law enforcement reform in Houston. As Chief of Police Morrison commented following the decision, "It's a real victory for the do-right policemen. It was a fair trial. Officers have demonstrated they are fed up with any system or individual who tends to tie their hands in carrying out their sworn duty." Looking to the future, Haley added that "I'm happy for the men and our department. Now we can go forward."⁶⁶

The significance of the episode lies not so much in the *exposé* of the department's role in the gambling operations as in the successful functioning of the state civil service law. No police officers who had given information about department irregularities or who had testified against ranking officers were demoted or dismissed. Moreover, those officers accused of wrongdoing received open civil service commission hearings. The commission demonstrated its independent decision-making capacity by affirming the dismissal of an administration protégé.⁶⁷ Fifteen years earlier similar action taken by officers Roe and McGrew resulted in their dismissal from the force and demotions for others less conspicuously involved. Conditions had now reversed themselves.

The episode established the credibility of state civil service. Its effective operation guaranteed officers a means of presenting evidence before an impartial investigatory agency. Such a guarantee, reinforced by the right of appeal to the district court, acted as a potent deterrent to political discipline

and pressures. The continued effectiveness of the law during periods of local political discord, which in former years would have engulfed the department and its members, testified to its durability. As a recent state study on methods to encourage professional law enforcement noted, the state civil service law provided the basis for professional police service in Texas. Indeed, the study recommended statutory refinements to expand the scope of the law as the means to "encourage the true professionalization of police service."⁶⁸

Enactment of the state civil service law was only the first success of the reform movement toward fulfilling the ideal of professional police service, but it was a crucial first step. With tenure of office and appointments regulated by state law, police officers were able to look upon police service as a permanent career rather than as a temporary occupation. The transition from occupation to career was an essential prerequisite for professional development.

In 1950 the various municipal police associations under the leadership of the HPOA were brought together into a state-chartered organization under the title of the Texas Municipal Police Association.⁶⁹ TMPA provided a means for common action at the state level. Police lobbyists from Houston and elsewhere, acting under the auspices of the new statewide Association, sponsored and supported legislation to improve the welfare of police officers and the quality of police service. The organization scored a major victory in 1951, when police legislative agents, working in cooperation with reform-minded state legislators, guided through the legislature laws banning slot machines, policy games, and punch-cards.⁷⁰ These laws, by effectively undercutting the influence of racketeers in financing political campaigns, eliminated the chief corrupting influence on the police and contributed significantly to the advancement of responsible law enforcement.

Since 1947 numerous bills have been enacted dealing with pensions and working hours; most recently, in 1956, a bill created the Law Enforcement Officers Standard and Education Commission.⁷¹ The law established for the first time a nine-member board to set professional standards for municipal police departments in Texas. Two of the Commission's most important duties were to set certification standards for law enforcement officers and to recommend a program for the upgrading of the police service with the ultimate goal of requiring baccalaureate degrees in either the behavioral sciences or the law for all certified peace officers in Texas. The existence of the Commission was an acknowledgment of the need to regulate the standards for peace officers and to standardize the level of competence needed to create a body of professional peace officers.⁷² Though it is still a fledgling organization, its potential use as a professional licensing and regulatory agency is a real possibility.

The development of the professional ideal had its roots in the trans-

formation that the complexities of urbanized society brought to policing. Policing was transformed from a merely coercive process grounded in the legacy of the nineteenth century to one based on the community service depicted so vividly by Chief of Police E.C. Noble in his annual message to the city council in 1913. As a convenient and visible representative of the establishment, the police department inherited a myriad of tasks unassociated with the enforcement of criminal laws and demanding occupational and managerial expertise. As the legal status of policing became clarified and its vital function in the community was recognized, the police saw in their calling a uniqueness or self-awareness distinct from that of other occupations. With the formation of an organization to advance the interests of responsible police service and the outlawing of political patronage, policing gained career respectability.

Consciousness of a professional ideal does not insure its achievement. The state civil service law provided the stability needed for professional development, while the HPOA and TMPA provided the means of expression. But the direction of that expression can only be dictated by individual police officers determined to fulfill the ideals of professional police service in the daily performance of their duties. Ultimately, the degree to which police officers are able to perform their duties without regard to racial, political, or social considerations is the yardstick by which the attainment of professionalism in police service will be measured.

NOTES

1. Houston City Council Minutes, Vol. RR (January 1, 1947-October 21, 1947), p. 3, City Archival Collection, Houston City Hall (HCAC).

2. Houston *Informer*, September 13 and October 4, 1941, June 27 and October 21, 1942; Letter from Reverend A. A. Lucas, et al., of the Houston Branch of the National Association for the Advancement of Colored People to Mayor Otis Massey, dated December 12, 1944, Correspondence Files 1943-1944, Police Folder No. 46, 1943-1944, HCAC.

3. Houston *Post*, September 29, 1945, October 12, 1945.

4. Houston *Post*, November 26, 29, and 30, December 1, 1945; Houston *Press*, November 30, 1945.

5. George Seber, former Assistant Chief of Police, Houston Police Department, interview with author at Liverpool, Texas, December 13, 1973; Houston *Press*, November 30, 1945.

6. Other members who composed the charter committee of the proposed organization were C. E. Buckner, Frank L. Murray, L. E. De Weese, C. E. Easley, T. C. Christian, G. C. Davis, C. V. Kern, J. M. Le Vrier, and Charles Woodman; Houston *Post*, December 5, 1945; Houston *Press*, November 29 and 30, 1945.

7. George Seber, personal interview with author, December 13, 1973.

8. Houston *Press*, November 29 and 30, December 4, 1945; Houston *Post*, December 5, 1945.

9. Vernon L. Engberg, "Municipal Police Training in Texas" (unpublished M. A. thesis, University of Texas, 1952), pp. 125-128.

10. *Houston Post*, June 4, 1939; *Houston Chronicle*, June 5, 1939; Earl Maughmer, Captain, Houston Police Department, personal interview with author at Houston Police Department Headquarters on January 25, 1974.

11. *Houston Post*, September 23, 1945.

12. George Seber, interview with author on December 13, 1973; Earl Maughmer, interview with author on January 25, 1974, at Houston Police Department Headquarters.

13. Through the League's efforts, a revamping of the city's municipal civil service system followed as an improved program of career benefits encouraged the growth of professional standards. *Constitution and By-Laws: Los Angeles Fire and Police Protective League* (n. p., 1968), pp. 1-3.

For the early organization and activities of the New York Patrolmen's Benevolent Association, see Emma Schweppe. *The Firemen's and Patrolmen's Unions in the City of New York* (New York, 1948).

For a general survey of police associations in the United States, see Donald Whitney Berney, "Law and Order Politics: A History and Role Analysis of Police Officer Organizations" (unpublished Ph.D. dissertation, University of Washington, 1971).

14. Earl Maughmer, interview on October 14, 1974, at Houston Police Department Headquarters, Houston Metropolitan Archives and Research Center Collection (HMRC).

15. George Seber, interview on September 24, 1974, at Liverpool, Texas, HMRC; Julius Knigge, Sergeant, Houston Police Department, Secretary of the Houston Police Officers Association and Texas Law Enforcement Legislative Council, personal interview with author at Houston Police Department Headquarters, March 4, 1973.

16. Placing three separate propositions on the ballot was a shrewd tactic used by firemen to minimize the possibility of a negative voter response. With three individual requests for salary increases, voters were allowed the option of rejecting one without rejecting all. The city had advocated that if police and firemen were to receive a raise then all city employees should be included. The administration hoped that the required annual expenditure of over \$1,000,000 would encourage voters to reject all pay increases. The introduction of three separate categories circumvented the ploy.

17. *Houston Post*, April 17, 25, 26, and 27, May 25, and June 23, 1946; *Houston Press*, April 16, 24, 25, and 26, May 7, 11, 13, and 20, June 1, 21, 22, and 24, 1946; *Houston City Council Minutes*, Vol. QQ (April 23, 1946), p. 51.

18. State civil service was not a novelty. The first state civil service law was enacted in New York in 1883. In 1884 Massachusetts followed New York's example and became the only other state to adopt such legislation until 1905, when Wisconsin and Illinois enacted similar laws. Other states over the next three decades enacted their own state laws. A bill to create a state merit system in Texas was first introduced in the Legislature in 1911 but failed to reach the House floor for a vote. Subsequent bills met the same fate. It was not until the 1930s that state civil service was accepted. Wright, *The Merit System in American States with Special Reference to Texas*, pp. 33-35 and 98-99.

19. "Stenographic Report of Seventh Annual Convention of the Texas State Association of Fire Fighters at Waco," September 10-11, 1945, pp. 1-2.

20. Jack Bostick, Captain, Fort Worth Fire Department, Secretary-Treasurer of the TSAFF and Vice President of the Eleventh District of International Fire Fighters, personal interviews with author in Fort Worth on October 1, 1973, and March 29, 1975.

21. "Proceedings of the Eighth Annual Convention of Texas State Association of Fire Fighters," Waco, Texas, June 9-10, 1946, p. 102.

22. "Proceedings of the Ninth Annual Convention of the Texas State Association of Fire Fighters," Amarillo, Texas. June 8-9, 1947, p. 18.

23. *Ibid.*, p. 18; Thomas Pinckney, District Fire Chief in Austin Fire Department and former legislative agent for the TSAFF, interview with author in Austin on October 6, 1973; Bostick, personal interview with author on October 1, 1973.

24. Institute of Public Affairs, *Forms of City Government*, 6th edition (Austin, 1963), *passim*.

25. Womack, personal interview with the author on August 21, 1974, HMRC.

26. Goodnight, personal interview with the author on December 7, 1972; Maughmer, personal interviews with the author on November 20, 1972, August 12, 1973, and November 7, 1973.

27. Goodnight, personal interview with author on December 7, 1972.

28. Gerald Byrd, Chief of Police, Sweetwater, Texas, personal interview with author at Sweetwater Police Department on April 17, 1974; Maughmer, personal interviews with author on November 20, 1972, November 7, 1973, and October 4, 1974, HMRC.

29. Maughmer, interviews on November 20, 1972, and October 4, 1974, HMRC.

30. Maughmer, interview on January 25, 1974, with author at Houston Police Department Headquarters; Julius Knigge on March 4, 1973, personal interview with author at Houston Police Department Headquarters.

31. The political astuteness acquired by the TSAFF is candidly revealed in the "Proceedings of the Annual Convention of the Texas State Association of Fire Fighters at El Paso," 1941; "Stenographic Report of Seventh Annual Convention of the Texas State Association of Fire Fighters at Waco," September 10-11, 1945; "Proceedings of the Eighth Annual Convention of Texas State Association of Fire Fighters," at Waco, Texas, June 9-10, 1946; and "Proceedings of the Ninth Annual Convention of the Texas State Association of Fire Fighters," at Amarillo, Texas, June 8-9, 1947; Bostick, personal interview with author in Fort Worth on October 1, 1973; Maughmer, taped interview with author on October 4, 1974, HMRC.

32. Julius A. Knigge, Sergeant, Houston Police Department, Secretary of the Houston Police Officers Association and Texas Law Enforcement Legislative Council, personal interview with author at Houston Police Department Headquarters, March 4, 1973.

33. *Houston Post*, December 9, 1945; January 18, February 20, 22, 25, 26, and 27, April 12, and June 26, 1946; City Council Minutes, Vol. PP (February 16, 1945-March 20, 1946), pp. 446-461.

34. *Houston Press*, April 1, 1946.

35. *Ibid.*, May 29, 30, and 31, 1947; see *General and Special Laws of the State of Texas, Passed by the Regular Session of the Fiftieth Legislature...* (Austin, 1947), pp. 107-108, 228-229, 231-232, and 779-781.

36. *Houston Press*, May 18, 1946; *Houston Post*, February 20, 26, and 27, 1947; *Houston Chronicle*, February 20, 1947.

37. *General and Special Laws of the State of Texas, Passed by the Regular Session of the Fiftieth Legislature...*, HB No. 105, pp. 231-232. The passage of the state statute eliminated the need for inclusion of the whole Bell amendment in the state civil service law. Only the no-strike clause was retained, and is found in Section 6 of the law. See *Journal of the Senate of the State of Texas—Regular Session of the Fiftieth Legislature...* (Austin, 1947), Section 27, p. 1042.

38. Moore performed a crucial service as a legislative advisor to the TSAFF and HPOA, offering advice on lobbying tactics and suggestions on provisions of the bill. It was Moore's suggestion that the bill be "stripped down" to those essential provisions necessary to eliminate political patronage. Later, the bill could be expanded. Previous attempts had failed partly because the TSAFF refused to compromise any provisions of the bill. Earlier, State Representative Jap Lucas offered similar advice after the legislature rejected a state civil service bill in the 1945 session. Bostick, interviews on October 1, 1973, and March 29, 1975. See also "Stenographic Report of Seventh Annual Convention of the Texas State Association of Fire Fighters" at Waco, September 10-11, 1945, pp. 60, 62, and 68; and "Proceedings of the Ninth Annual Convention of the Texas State Association of Fire Fighters" at Amarillo, Texas, June 8-9, 1947.

39. Memo from Mayor's Office, February 12, 1947, Correspondence Files for 1947, Civil Service Folder No. 17, 1947, HCAC; Houston *Post*, February 4, 1947, Houston *Chronicle*, February 20, 1947.

40. City Council Minutes, Vol. RR (January 1, 1947-October 21, 1947), February 3, 1947, p. 48, HCAC; Memo, Mayor's Office, February 3, 1947; Resolution submitted February 18, 1941, by Mayor Oscar F. Holcombe, Mayor's Office, Correspondence Files for 1947, Civil Service Folder No. 17, 1947, HCAC; Houston *Press*, October 2, 1947.

41. "Legislative Threat Faces Home Rule," *Texas Municipalities* 34 (October, 1947): 230; "Individual Liberty and Home Rule," *Texas Municipalities* 35 (June, 1948): 120; Dawson Duncan, "Threat Seen to Cities' Home Rule," *Texas Municipalities* 34 (March, 1947): 44-46; Houston *Post*, January 29, 1948; Editorial from the Houston *Chronicle* quoted in *Texas Municipalities* 34 (February, 1947): 27-28.

42. Acting Civil Service Director Womack made several appearances in Austin in support of the bill. Because of the position of the administration against the bill, he did not appear as a public witness but spoke privately with legislators in behalf of the proposed law. Womack, interview on October 21, 1974, HMRC; Letter from W.O. Rothwell (International Association of Fire Fighters, Local No. 341), and Earl Maughmer (Houston Police Officers Association) to K.D. Womack, dated February 11, 1948; copy of the original letter is in the author's possession.

43. Houston *Chronicle*, February 20, 1947; Houston *Post*, February 20, 1947; Houston *Press*, February 20, 1947.

44. Bostick, personal interview with author in Fort Worth on October 1, 1973; Maughmer, personal interview with author on January 25, 1974; [Proceedings] Ninth Annual Convention, Texas State Association of Fire Fighters, Amarillo, Texas, June 8-9, 1947, p. 12.

45. Knox Dale Womack, taped interview on October 21, 1974, HMRC.

46. Maughmer, personal interview with author on January 25, 1974; Raymond Goodnight, personal interview with author at Houston Police Department Headquarters, December 7, 1972; City Council Minutes, Vol. SS (October 22, 1947-September 7, 1948), Motion 3075, February 4, 1948, p. 156; Houston *Post*, February 1, 1948. For the updated statutes dealing with the state civil service law as it affects police officers, see *Texas Jurisprudence, Second Edition* (Rochester, 1966), vol. 46, pp. 243-256.

47. *Journal of the Senate of the State of Texas of the Regular Session of the Fiftieth Legislature of the State of Texas Begun and Held at the City of Austin, January 14, 1947* (Austin, 1947), pp. 1039 and 1040.

48. *General and Special Laws of the State of Texas, Passed by the Regular Session of the Fiftieth Legislature* (Austin, 1947), pp. 555-556; see also *Texas Jurisprudence, Second Edition* (Rochester, 1966), vol. 46, pp. 239-240, and 241-242.

49. See amended acts of the *General and Special Laws of the State of Texas, Passed by the Regular Session of the Fifty-First Legislature* (Austin, 1949), p. 1115; *General and Special Laws of the State of Texas, Passed by the Regular Session of the Fifty-Fourth Legislature* (Austin, 1955), pp. 706-710; *General and Special Laws of the State of Texas, Passed by the Regular Session of the Fifty-Fifth Legislature* (Austin, 1957), pp. 1171-76; *General and Special Laws of the State of Texas, Passed by the Fifty-Eighth Legislature* (Austin, 1963), p. 150.

50. *General and Special Laws of the State of Texas, Passed by the Regular Session of the Fiftieth Legislature* (Austin, 1947), pp. 551-552.

51. *Ibid.*, pp. 1037-41.

52. [Proceedings] Ninth Annual Convention, Texas State Association of Fire Fighters, Amarillo, Texas, June 8-9, 1947, p. 12.

53. *General and Special Laws of the State of Texas, Passed by the Regular Session of the Fiftieth Legislature* (Austin, 1947), p. 558.

54. Interview with Knox Dale Womack on August 21, 1974, HMRC; Houston *Post*, October 2, 1947.

55. Ibid.

56. *Simpson v. City of Houston* (Civ. App. 1953) 260 S. W. 2d, p. 94; *Hynes v. City of Houston* (Civ. App. 1956) 284 S. W. 2d, p. 839; see also *Reagan v. Bischel* (Civ. App. 1956) 284 S. W. 2d, p. 935; *Fuller v. Mitchell* (Civ. App. 1954) 269 S. W. 2d, p. 517; *Stafford v. Firemen's and Policemen's Civil Service Commission of City of Beaumont* (Civ. App. 1962) 355 S. W. 2d, p. 555.

57. *Kavanagh v. Houston* (Civ. App. 1958) 312 S. W. 2d, p. 399.

58. See *City of Amarillo v. Hancock* (Civ. App. 1950) 233 S. W. 2d, p. 339; *City of Waco v. Akard* (Civ. App. 1952) 252 S. W. 2d, p. 496; *Sfair v. City of San Antonio* (Civ. App. 1955) 274 S. W. 2d, p. 935.

59. *Houston Press*, December 21, 1951.

60. See ch. 4, pp. 70-71.

61. *Houston Post*, August 11, 17, and 26, 1950; *Houston Chronicle*, August 22, 1950; *Houston Press*, December 20, 21, and 22, 1951. (The *Press* clipping dated August 22, 1950, is in the possession of Constable Walter Rankin. The story was featured in an early afternoon edition and is not found in the microfilm collection of the Houston Public Library, which holds only the later editions. Several other references to the early edition will be made and hereafter will be distinguished by the addition to the citation of either E. E. for Early Edition or L. E. for Later Edition.)

62. According to reporter Jack Donahue of the *Press*, the "nerve center" for the city's lucrative policy games operated openly only six blocks from police department headquarters. The payoffs for police protection reputedly were as high as \$132,000 a year. *Houston Press*, September 1, 1950. Original undercover photographs taken by *Press* photographers of the policy games operations are in the possession of Constable Walter Rankin.

The rule that only members of the gambling squad could make raids was commonly acknowledged by other officers as a means for controlling the locations of gambling operations. Walter Rankin, taped interview on September 4, 1974, at Harris County Criminal Court Building, Houston, Texas, HMRC.

63. *Houston Press*, August 23 and 24, 1950 (EE); *Houston Chronicle*, August 24, 1950.

64. *Houston Post*, August 18, 1950; interview with Walter Rankin on September 4, 1974, HMRC.

65. *Houston Press*, December 21 and 22, 1951 (EE).

66. Ibid., December 20, 21, and 22, 1951 (LE); *Houston Post*, December 21, 22, and 23, 1951; *Houston Chronicle*, December 21, 22, and 23, 1951.

67. Simpson appealed to district court, but the court upheld the commission's decision. See *Simpson v. City of Houston* (Civ. App. 1953), 260 S. W. 2d, p. 94.

68. *Criminal Justice Plan for Texas*, 1972 (Austin, 1972), Part II-3.

69. Letter and outline of proposed constitution of TMPA from Willis and McEntire, Attorneys for the Texas State Police Officers Association to Earl Maughmer, HPOA, dated May 20, 1950 (a copy is in possession of author).

70. *General and Special Laws of the State of Texas, Passed by the Regular Session of the Fifty-Second Legislature* (Austin, 1951), pp. 299-301, and 781-783; *Texas Municipalities* 38 (June, 1951): 170-171; *ibid.* (July, 1951): 199.

71. *General and Special Laws of the State of Texas, Passed by the Regular Session of the Fifty-Ninth Legislature* (Austin, 1965), pp. 1158-60.

72. In 1971 the commission estimated that nearly 14,500 Texas officers had fulfilled the 140 hours of minimum required training set by the Commission. *Criminal Justice Plan for Texas*, Part II-1.